

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

BRIAN O'ROURKE
MARK CZERNIEJEWSKI,

Plaintiffs,

v.

ORDER
06-CV-667A

CARMEN M. PARISO, INC.,

Defendant.

The above-referenced case was referred to Magistrate Judge Leslie G. Foschio, pursuant to 28 U.S.C. § 636(b)(1)(B). On July 19, 2007, Magistrate Judge filed a Report and Recommendation, recommending that defendant's motion for summary judgment should be granted, plaintiffs' request for remand should be denied and the Clerk of Court directed to close the file.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge Foschio's Report and Recommendation, defendant's motion for summary judgment is granted and plaintiffs' request for remand is denied. The Clerk of Court shall take all steps necessary to close the case.

SO ORDERED.

s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
CHIEF JUDGE
UNITED STATES DISTRICT COURT

DATED: August 9, 2007